

REMARKS

The Office Action dated August 15, 2003 has been reviewed and the Examiner's comments carefully considered. Claim 1 is the only independent claim. Claim 4 has been amended. Thus, Claims 1-5 are pending and submitted for reconsideration. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim Objections

The Examiner objected to Claim 4 for including double periods. Claim 4 has been amended to address the Examiner's objection. Reconsideration and withdrawal of the objection is, therefore, respectfully requested.

Background

The present application discloses a structure for attaching a fabric sheet to a vehicle body. According to the application, the structure includes a spacer wherein "[t]he specific dimensions of the spacer are selected so that the tab may be prevented from being caught between the flanges and the spacer slips or rotates within the hole even when rotational torque is applied to the spacer." (Application at Para. 26). While the rejections of the claims are addressed in more detail below, Applicant notes that the prior art relied upon by the Examiner is not relevant to either the structure disclosed in the specification or recited in the claims. The Examiner relies upon a reference that discloses a reinforcement part that is "in the form of a molding" and is form-fitted within the fastener web, thus it is unable to slip or rotate within the hole. (Fischer at Col. 1, Line 6) The reinforcement part (11) "serves to reinforce the through-holes against tearing the edge of the holes." (Fischer at Col. 2, Lines 7-8). However, the application relates to a different problem because it relates to using spacers to prevent the fabric sheet from being twisted when the threaded fasteners are rotated. The merits of the claim rejections are discussed below.

Prior Art Rejections

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,039,340 (Fischer). Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of U.S. Patent No. 5,564,739 (Davidson).

Claim 1

The rejection should be withdrawn because the references when taken alone, or in combination, fail to disclose, teach or suggest the claimed invention. For example, neither reference discloses, teaches, or suggests “a spacer positioned in the hole of the sheet, the spacer having a cylindrical portion...the diameter of the cylindrical portion being smaller than the inner diameter of the hole” as recited in Claim 1.

The Examiner contends that Fischer discloses a spacer (reference 11) wherein the diameter of the cylindrical portion is “smaller than the inner diameter of the hole.” However, Fischer discloses that reference numeral 11 corresponds to a reinforcement part that “is embedded in a form-fitting manner in the fastener web.” (Col. 2, Lines 14-15). Thus, it is clear that the reinforcement part does not have a cylindrical portion having a diameter “smaller than the inner diameter of the hole” as called for in Claim 1. A reinforcement part that is form-fitting and embedded is not “smaller than the inner diameter of the hole” as required by Claim 1. As none of the cited references disclose, teach, or suggest the claimed invention, the rejection should be withdrawn. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-5

Claims 2-5 depend from Claim 1 and are allowable therewith for at least the reasons set forth above without regard to the further patentable limitations contained therein. With regard to Claim 4, Davidson does nothing to cure the deficiencies of Fischer described above.

Conclusion

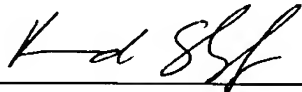
In view of the foregoing amendments and remarks, Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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